

GIBSON, DUNN & CRUTCHER LLP  
JOEL S. SANDERS, SBN 107234  
GEORGE A. NICOUD III, SBN 106111  
RACHEL S. BRASS, SBN 219301  
REBECCA JUSTICE LAZARUS, SBN 227330  
One Montgomery Street, Suite 3100  
San Francisco, California 94104  
Telephone: (415) 393-8200  
Facsimile: (415) 986-5309  
Email: JSanders@gibsondunn.com  
TNicoud@gibsondunn.com  
RBrass@gibsondunn.com  
RJustice@gibsondunn.com

Attorneys for Defendants  
MATSON NAVIGATION COMPANY, INC.  
AND ALEXANDER & BALDWIN, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

ACUTRON, INC., Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

MATSON NAVIGATION COMPANY, INC.;  
ALEXANDER & BALDWIN, INC.; and  
HORIZON LINES, LLC,

Defendants.

Case No. CV 08-02600 VRW

**STIPULATION RE EXTENSION OF  
RESPONSIVE PLEADING DEADLINE**

1 WHEREAS the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS plaintiff alleges antitrust violations on behalf of purchasers of domestic  
3 containerized ocean shipping services for service between the continental United States and  
4 Hawaii ("Hawaiian Ocean Shipping");

5 WHEREAS five complaints have been filed to date in multiple federal district courts by  
6 plaintiffs purporting to bring class actions on behalf of purchasers of Hawaiian Ocean Shipping  
7 (collectively "the Hawaiian Ocean Shipping Cases");

8 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to  
9 transfer the Hawaiian Ocean Shipping Cases to this jurisdiction for coordinated and consolidated  
10 pretrial proceedings pursuant to 28 U.S.C. section 1407;

11 WHEREAS plaintiff anticipates the possibility of a Consolidated Amended Complaint in  
12 the Hawaiian Ocean Shipping Cases;

13 WHEREAS plaintiff and Matson Navigation Company, Inc., Alexander & Baldwin, Inc.,  
14 and Horizon Lines, LLC ("Defendants") have agreed that an orderly schedule for any response to  
15 the pleadings in the Hawaiian Ocean Shipping Cases would be more efficient for the parties and  
16 for the Court;

17 PURSUANT TO CIVIL LOCAL RULE 6-1(a), PLAINTIFF AND DEFENDANTS, BY  
18 AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS  
19 FOLLOWS:

20 1. The deadline for Defendants to answer, move, or otherwise respond to plaintiff's  
21 Complaint shall be extended until the earliest of the following dates: (1) forty-five days after the  
22 filing of a Consolidated Amended Complaint in the Hawaiian Ocean Shipping Cases; or (2) forty-  
23 five days after plaintiff provides written notice to Defendants that plaintiff does not intend to file a  
24 Consolidated Amended Complaint, provided however, that in the event that Defendants should  
25 agree to an earlier response date in any Hawaiian Ocean Shipping Case, except by court order,  
26 Defendants will respond to the Complaint in the above-captioned case on that earlier date.

27 ///

28 ///

2. This Stipulation does not constitute a waiver by Defendants of any defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction, improper venue, or service of process.

IT IS SO STIPULATED.

Dated: June 5, 2008 GIBSON, DUNN & CRUTCHER, LLP



Joel Sanders  
Rachel S. Brass  
GIBSON, DUNN & CRUTCHER, LLP  
One Montgomery Street, Suite 3100  
San Francisco, CA 94104  
Telephone: (415) 393-8200  
Facsimile: (415) 986-5309

*Counsel for Defendants  
Matson Navigation Company, Inc. and  
Alexander & Baldwin, Inc.*

Dated: June \_\_\_\_\_, 2008

McGUIREWOODS LLP

Darrel C. Menthe  
McGUIREWOODS LLP  
1800 Century Park East, 8th Floor  
Los Angeles, CA 90067  
Telephone: (310) 315-8219  
Facsimile: (310) 315-8210

Richard J. Rappaport  
Amy B. Manning  
Tammy L. Adkins  
McGUIREWOODS LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, Illinois 60601  
Telephone: (312) 849.8100  
Facsimile: (312) 849.3690

*Counsel for Defendant  
Horizon Lines, LLC*

1           2.     This Stipulation does not constitute a waiver by Defendants of any defense,  
2 including but not limited to the defenses of lack of personal jurisdiction, subject matter  
3 jurisdiction, improper venue, or service of process.

4           IT IS SO STIPULATED.

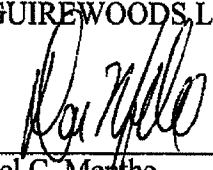
5 Dated: June \_\_\_\_, 2008     GIBSON, DUNN & CRUTCHER, LLP

8 \_\_\_\_\_  
Joel Sanders  
Rachel S. Brass  
GIBSON, DUNN & CRUTCHER, LLP  
One Montgomery Street, Suite 3100  
San Francisco, CA 94104  
Telephone: (415) 393-8200  
Facsimile: (415) 986-5309

12 *Counsel for Defendants*  
13 *Matson Navigation Company, Inc. and*  
*Alexander & Baldwin, Inc.*

14  
15 Dated: June 5, 2008

McGUIREWOODS, LLP

16 \_\_\_\_\_  
17   
18 Darrel C. Menzies  
McGUIREWOODS LLP  
1800 Century Park East, 8th Floor  
Los Angeles, CA 90067  
Telephone: (310) 315-8200  
20 Facsimile: (310) 315-8210

21 Richard J. Rappaport  
22 Amy B. Manning  
23 Tammy L. Adkins  
McGUIREWOODS LLP  
77 West Wacker Drive  
Suite 4100  
Chicago, Illinois 60601  
25 Telephone: (312) 849.8100  
26 Facsimile: (312) 849.3690

27 *Counsel for Defendant*  
28 *Horizon Lines, LLC*

1 Dated: June 5, 2008

KAPLAN, FOX & KILSHEIMER, LLP

  
Laurence D. King  
Linda M. Fong  
KAPLAN, FOX & KILSHEIMER, LLP  
350 Sansome Street, Suite 400  
San Francisco, CA 94104  
Telephone: (415) 772-4700  
Facsimile: (415) 772-4707

Robert N. Kaplan  
Linda P. Nussbaum  
John D. Radice  
KAPLAN, FOX & KILSHEIMER, LLP  
850 Third Avenue, 14th Floor  
New York, NY 10022  
Telephone: (212) 687-1908  
Facsimile: (212) 687-7714

Michael E. Criden  
Kevin B. Love  
CRIDEN & LOVE, P.A.  
7301 S.W. 57th Court, Suite 515  
South Miami, FL 33143  
Telephone: (305) 357-9010  
Facsimile: (305) 357-9050

Anthony J. Bolognese  
BOLOGNESE & ASSOCIATES, LLC  
1500 JFK Boulevard, Suite 320  
Philadelphia, PA 19102  
Telephone: (215) 814-6751  
Facsimile: (215) 814-6764

*Counsel for Plaintiff Acutron, Inc.*